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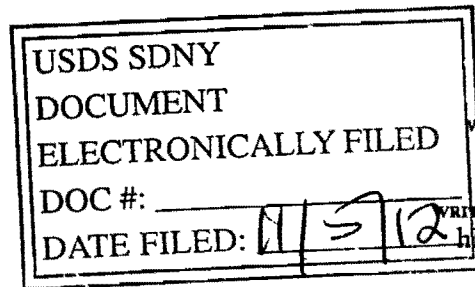
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October 26, 2012

VIA FACSIMILE

Honorable Harold Baer, Jr.
United States District Judge
United States Courthouse
500 Pearl Street, Room 2230
New York, NY 10007



OUR FILE NUMBER
336,915-002

WRITER'S DIRECT DIAL
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Re: United States v. Carollo, et al., S1 10 Cr. 654 (HB)

Dear Judge Baer:

We represent Peter Grimm in this case. We are writing to request that the Court correct a clerical error in the Judgment entered on October 25, 2012.

At sentencing, we requested that the Court recommend that Mr. Grimm be designated by the Bureau of Prisons ("BOP") "to the camp at Fort Dix, which is proximate to where Mr. Grimm lives and his family lives." Your Honor agreed to make that recommendation. Tr. at 64-65 (enclosed). The October 25 Judgment, however, describes the Court's recommendation as "incarcerat[ion] at FCI Ft. Dix, NJ," rather than at the camp at Fort Dix. In order to avoid any misunderstanding by the BOP about the Court's recommendation, we respectfully request that the Judgment be revised pursuant to Fed. R. Crim. P. 36 to accurately reflect Your Honor's recommendation that Mr. Grimm be incarcerated at the satellite camp facility at FCI Fort Dix. See *Cherry v. United States*, 489 F. Supp. 2d 372, 374 n.1 (S.D.N.Y. 2007) (granting application to correct clerical error in judgment to clear up an "inconsistency [that] may have created an uncertainty on the part of the Bureau of Prisons").

Respectfully submitted,

Howard E. Heiss
Howard E. Heiss
of O'MELVENY & MYERS LLP

Enclosure

cc: Counsel of Record (via e-mail)

†In association with Tumbuan & Partners

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
UNITED STATES OF AMERICA,

v.

10 CR 654 (HB)

DOMINICK P. CAROLLO,
STEVEN E. GOLDBERG,
and PETER S. GRIMM,

Defendants.

-----x
New York, NY
May 18, 2012
10:40 a.m.

Before:

HON. HAROLD BAER, JR.,
District Judge

APPEARANCES

U.S. DEPARTMENT OF JUSTICE
ANTITRUST DIVISION
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1 to inform any other resident that the premises may be subject
2 to search pursuant to this condition. Those are special
3 conditions.

4 You will report to the nearest probation officer
5 within 72 hours of your release from custody, and you will be
6 supervised by the district of residence, and indeed that's
7 where in fact you will report.

8 I think probably, again, the restitution problem that
9 we have, we'll give the government 90 days, as they requested,
10 to provide me with what they believe is appropriate in the way
11 of restitution.

12 And you are entitled to appeal. And if you ask
13 counsel, I am sure that counsel will file a notice.

14 Surrender is, as indicated by me for Mr. Goldberg, and
15 the bail, I presume the government will agree again that it
16 will remain the same as it is now. And that bail takes us only
17 until the surrender date. If you are designated, as with
18 Mr. Goldberg, you may report to the institution. If you are
19 not designated by that time, you will report to the United
20 States Marshal by noon of that day, in this building.

21 Anything from counsel in the way of requests with
22 respect with respect to Mr. Grimm?

23 MR. HEISS: Yes, your Honor. Our first request would
24 be that the Court make the recommendation to the camp at Fort
25 Dix, which is proximate to where Mr. Grimm lives and his family

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1 lives. That would be our first request.

2 THE COURT: I will be glad to do that. Again, as you
3 indicate, this is a recommendation for which, sadly, I have
4 really no control.

5 MR. HEISS: The only other two requests, your Honor,
6 is that I would like to address the restitution point, but that
7 could wait until you impose sentence on Mr. Carollo, and also
8 the bail pending appeal issue, which can also wait.

9 THE COURT: I'll be glad to hear on the bail. I think
10 it's a little ridiculous to hear you before we see what the
11 government has asked. Maybe they don't believe there should be
12 any.

13 MR. HEISS: I've heard her say that --

14 THE COURT: Well, how --

15 MR. HEISS: I'm sorry, on the restitution point?

16 THE COURT: Yes.

17 MR. HEISS: Oh, on that point, your Honor? May I be
18 heard now? It won't take me long.

19 THE COURT: It certainly shouldn't, since you don't
20 know what you're talking about. Not that that may stop you.

21 MR. HEISS: It hasn't stopped me, but on this score, I
22 actually do know what I'm talking about.

23 THE COURT: Really? Well, tell me.

24 MR. HEISS: The probation department essentially made
25 the same recommendation. What happened here -- and that's why

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Endorsement:

I think I accomplished your request at least for now.